United Nations A/C.3/66/L.5

General Assembly

Distr.: Limited
29 September 2011

Original: English

Sixty-sixth session
Third Committee
Agenda item 107
Crime prevention and criminal justice

Strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking

Note by the Secretariat

By its resolution 2011/42 of 28 July 2011, the Economic and Social Council recommended to the General Assembly the adoption of the following draft resolution:

Strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking

The General Assembly,

Recalling its resolutions 58/17 of 3 December 2003, 61/52 of 4 December 2006 and 64/78 of 7 December 2009, on the return or restitution of cultural property to the countries of origin, Economic and Social Council resolutions 2003/29 of 22 July 2003, entitled "Prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property", 2004/34 of 21 July 2004 and 2008/23 of 24 July 2008, entitled "Protection against trafficking in cultural property", and 2010/19 of 22 July 2010, entitled "Crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking", and the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,[1]

Recalling also the United Nations Convention against Transnational Organized Crime,[2] adopted by the General Assembly in its resolution 55/25 of 15 November 2000, as well as the United Nations Convention against Corruption,[3] adopted by the Assembly in its resolution 58/4 of 31 October 2003,

[1] General Assembly resolution 65/230, annex.
[2] United Nations, *Treaty Series*, vol. 2225, No. 39574.
[3] Ibid., vol. 2349, No. 42146.

11-52525 (E) 031011

Please recycle

Recalling further the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 November 1970,[4] the Convention on Stolen or Illegally Exported Cultural Objects, adopted by the International Institute for the Unification of Private Law on 24 June 1995,[5] and the Convention for the Protection of Cultural Property in the Event of Armed Conflict, done at The Hague on 14 May 1954,[6] and the two Protocols thereto, adopted on 14 May 1954[6] and 26 March 1999,[7] and reaffirming the necessity for those States that have not done so to consider ratifying or acceding to and, as States parties, implementing those international instruments,

Reiterating the significance of cultural property as part of the common heritage of humankind and as unique and important testimony of the culture and identity of peoples and the necessity of protecting it, and reaffirming in that regard the need to strengthen international cooperation in preventing, prosecuting and punishing all aspects of trafficking in cultural property,

Concerned that demand for stolen, looted and illicitly exported or imported cultural property is growing and fuels further looting, destruction, removal and theft of and trafficking in such unique property, and recognizing that urgent and commensurate legislative and administrative measures are required to discourage demand for illicitly acquired cultural property in the market,

Alarmed at the growing involvement of organized criminal groups in all forms and aspects of trafficking in cultural property and related offences, and observing that cultural property is increasingly being sold through markets, including in auctions, in particular over the Internet, and that such property is being unlawfully excavated and illicitly exported or imported, with the facilitation of modern and sophisticated technologies,

Inviting Member States to protect cultural property and prevent trafficking in such property by introducing appropriate legislation, including, in particular, procedures for its seizure, recovery and return, as well as by promoting education, launching awareness-raising campaigns, locating and inventorying such property, adopting adequate security measures, developing the capacities and human resources of monitoring institutions, such as the police and customs services, and of the tourism sector, involving the media and disseminating information on the theft and pillaging of cultural property,

Acknowledging the important contribution of the International Scientific and Professional Advisory Council of the United Nations crime prevention and criminal justice programme network in this field,

Recognizing the indispensable role of crime prevention and criminal justice responses in combating all forms and aspects of trafficking in cultural property and related offences in a comprehensive and effective manner,

---

[4] Ibid., vol. 823, No. 11806.

[5] Available from www.unidroit.org.

[6] United Nations, *Treaty Series*, vol. 249, No. 3511.

[7] Ibid., vol. 2253, No. 3511.

1. *Welcomes* Economic and Social Council resolution 2010/19, as well as resolution 5/7, entitled "Combating transnational organized crime against cultural property", adopted by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime at its fifth session, held in Vienna from 18 to 22 October 2010;

2. *Urges* Member States that are parties to the aforementioned conventions, including the United Nations Convention against Transnational Organized Crime[2] and the United Nations Convention against Corruption,[3] to fully implement them, encourages those Member States that have not yet done so to consider becoming parties to those conventions, and encourages Member States and relevant international organizations to strengthen crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking, within the framework of relevant United Nations conventions and resolutions, for the purpose of providing the widest possible international cooperation to address such crimes, including for extradition, mutual legal assistance and the confiscation and return of stolen cultural property to its rightful owner;

3. *Welcomes* the decision taken by the Economic and Social Council in its resolution 2010/19 to convene at least one additional meeting of the open-ended intergovernmental expert group on protection against trafficking in cultural property, established within the framework of the Commission on Crime Prevention and Criminal Justice, and encourages Member States and other donors to support the convening of that expert group meeting and to submit to the Commission at its twenty-second session practical proposals for implementing, where appropriate, the recommendations made by the expert group at its meeting held in Vienna in November 2009, with due attention to aspects of criminalization, international cooperation and mutual legal assistance;

4. *Also welcomes* the request made by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime at its fifth session to its Working Group on International Cooperation and its Working Group on Technical Assistance to examine the relevant recommendations and outcomes of the meetings of the expert group and to make recommendations for consideration by the Conference of the Parties in order to promote the practical application of the United Nations Convention against Transnational Organized Crime, by considering the extent and adequacy of existing norms, as well as other normative developments, with due attention to aspects of criminalization and international cooperation, including mutual legal assistance and extradition, in this regard;

5. *Urges* Member States and relevant institutions, as appropriate, to reinforce and fully implement mechanisms to strengthen international cooperation, including mutual legal assistance, in order to combat all forms and aspects of trafficking in cultural property and related offences, such as the theft, looting, damage, removal, pillage and destruction of cultural property, and to facilitate the recovery and return of stolen cultural property, and requests the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Commission on Crime Prevention and Criminal Justice to continue their efforts to effectively strengthen crime prevention and criminal justice responses to protect cultural property,

especially with regard to its trafficking, bearing in mind in particular paragraph 12 of Economic and Social Council resolution 2010/19;

6. *Urges* Member States to consider, among other effective measures within the framework of their national legislation, criminalizing activities related to all forms and aspects of trafficking in cultural property and related offences by using a broad definition that can be applied to all stolen, looted, unlawfully excavated and illicitly exported or imported cultural property, and invites them to make trafficking in cultural property, including stealing and looting at archaeological and other cultural sites, a serious crime, as defined in article 2 of the United Nations Convention against Transnational Organized Crime, with a view to fully utilizing that Convention for the purpose of extensive international cooperation in fighting all forms and aspects of trafficking in cultural property and related offences;

7. *Also urges* Member States to take all appropriate steps and effective measures to strengthen legislative and administrative measures aimed at countering trade in stolen, looted and illicitly exported or imported cultural property, including appropriate domestic measures to maximize the transparency of activities of traders in cultural property in the market, in particular through effective regulations and supervision of dealers in antiquities, intermediaries and similar institutions, in accordance with their national law and other applicable law;

8. *Invites* Member States to continue to submit, in writing, comments on the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property,[8] including views on its potential utility and on whether any improvements to it should be considered at the earliest possible date, in order to assist the Secretariat in preparing an analysis and a report to be presented to the open-ended intergovernmental expert group on protection against trafficking in cultural property at its next meeting, as well as to the Commission on Crime Prevention and Criminal Justice at its twenty-second session;

9. *Requests* the United Nations Office on Drugs and Crime, within its mandate, in consultation with Member States and in close cooperation, as appropriate, with the United Nations Educational, Scientific and Cultural Organization, the International Criminal Police Organization (INTERPOL) and other competent international organizations:

(a) To further explore the development of specific guidelines for crime prevention and criminal justice responses with respect to trafficking in cultural property;

(b) To explore possibilities for the collection, analysis and dissemination of data specifically addressing the relevant aspects of trafficking in cultural property;

[8] *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B, resolution 1, annex.

(c) To continue to collect, analyse and disseminate information on crime trends through the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems;

(d) To promote good practices, including in international cooperation;

(e) To assist Member States, upon request, in strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking;

(f) To consider, where appropriate, addressing trafficking in cultural property in its regional, interregional and thematic programmes;

10. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its twenty-second session on the implementation of the present resolution;

11. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes of the present resolution, in accordance with the rules and procedures of the United Nations.